



Submission from Palestine Solidarity Campaign for the Chakrabarti inquiry

Executive summary

Palestine Solidarity Campaign (PSC) is pleased to have the opportunity to give evidence to the Chakrabarti inquiry. PSC is an organisation which supports the right of the Palestinian people to self-determination. We are anti-racist: standing up against oppression and discrimination is at the heart of everything that we do. As an organisation we actively challenge racism, and do not tolerate antisemitism, Islamophobia, and all forms of racism within our membership. It is positive that the Labour Party is taking up concerns about racism, and we would urge all political parties to address these issues.

It is vital that political parties avoid confusing or conflating support for Palestinian rights with antisemitism. This is both untrue and dangerous – we must all be able to support human rights for Palestinians without being branded as racist. To confuse the two acts as a mechanism to silence debate about Israel's policies & actions not only impinges on civil liberties, free speech and academic freedoms, but also undermines Palestinian calls for self determination and equality. Further, it risks fuelling antisemitism by suggesting Jewish people all hold the same view on Israel, or indeed anything else. This is a complete misrepresentation, particularly as so many advocates for Palestinian rights are themselves Jewish.

PSC has answered the call by Palestinian civil society for a non-violent campaign for boycott, divestment and sanctions (BDS). The BDS movement is currently under attack by the Israeli and UK Governments and others, wrongly accused of fuelling antisemitism.¹ This attempt to suppress support for the call from an occupied and oppressed people is undemocratic, repressive, and counter-productive to establishing peace and justice.

PSC's overall recommendations to the inquiry are:

- a. If the inquiry finds it necessary to define antisemitism, to adopt the approach that antisemitism is hatred of or discrimination against Jewish people on the basis of their religion or identity;
- b. Neither treat criticism of the Israeli Government's policies and actions nor criticism of Zionism - a political ideology - as antisemitic;
- c. Ensure that charges of racism (including antisemitism and Islamophobia) and discrimination are judged by objective criteria whilst taking into account the perceptions of the victim;
- d. Oppose the attempts to portray the Palestinian call for boycott, divestment and sanctions as fuelling antisemitism.

¹ <https://www.gov.uk/government/news/putting-a-stop-to-public-procurement-boycotts>

PSC – Campaigning Goals and Approach to Antisemitism

Palestine Solidarity Campaign (PSC) campaigns for Palestinian rights. Specifically, PSC was established to campaign:

- In support of the rights of the Palestinian people and their struggle to achieve these rights;
- Against the oppression and dispossession suffered by the Palestinian people;
- To promote Palestinian civil society in the interests of democratic rights and social justice;
- To oppose Israel's occupation and its aggression against neighbouring states;
- For the right of self-determination for the Palestinian people;
- For the right of return of the Palestinian people;
- For the immediate withdrawal of the Israeli state from the occupied Palestinian territory;
- In opposition to racism, including antisemitism and Islamophobia, and the apartheid and Zionist nature of the Israeli state.

PSC was established more than 30 years ago, and is a cross-party organisation, with a broad alliance of support, including people of all faiths and those with no religious affiliation.

PSC has held fringe meetings and exhibited at Labour Party Conferences for many years. One of PSC's patrons, Jeremy Corbyn, is leader of the Labour Party. PSC enjoys strong relationships with trade unions, many of whom are affiliated to the Labour Party.

PSC shares the Labour Party's concern with racism in general, and antisemitism and Islamophobia in particular. In the last few years PSC has increasingly highlighted its anti-racist stance², and taken action against PSC members for failing to uphold PSC's constitutional aim of campaigning in a manner which opposes all forms of racism.

Our anti-racist agenda is an issue that we keep the heart of our work.

Support for Palestinian rights within the Labour Party

When considering the issues of racism, the Labour Party should be very wary of those who conflate support for Palestinian rights with antisemitism. This conflation is

² <http://www.palestinecampaign.org/psc-opposes-racism/>

both untrue and dangerous, as this submission will demonstrate. It also demonises the significant proportion of Labour Party supporters who support Palestinian rights.³

Antisemitism and criticism of Israel

In his subreport for the All-Party Parliamentary Group Against Antisemitism, Professor David Feldman noted a growing conflation of criticism of Israel and antisemitism: “In the past, it was as customary for British Jewish leaders as non Jews to draw a distinction between antisemitism and the debate on Israel. They argued that criticism of the Israeli government should not be regarded as antisemitic by definition. In the summer of 2014 the extent to which many British Jews conflated opposition to antisemitism with support for Israel, therefore, was a departure”.

It is the view of PSC that this conflation, which we have witnessed and experienced directly for some time, is dangerous on two counts. Firstly, it risks fuelling antisemitism by promoting the false notion that all Jewish people share the same views and support the Israel Government’s policies and actions. Secondly, this conflation is sometimes used as a mechanism to attempt to restrict protest, civil liberties, free speech and academic freedom.

There have been a number of recent examples of this, and it is helpful to examine two in more detail. In March 2015 the University of Southampton cancelled an academic conference “International Law and the State of Israel: Legitimacy, Responsibility and Exceptionalism” following an extensive lobbying campaign by, amongst others, the Board of Deputies of British Jews, the Jewish Leadership Council and the Zionist Federation.⁴ The president of the Board of Deputies, reflecting on his meeting with the Vice Chancellor of the University, stated “We put forward very strong concerns about this proposed conference. It is formulated in extremist terms, has attracted toxic speakers and is likely to result in an increase in antisemitism and tension on campus”⁵.

In February 2016, Jewish Human Rights Watch (JHRW) sent a letter to Cambridge University threatening legal action for allowing the university’s Palestine Society to exhibit a mock checkpoint to demonstrate some of the daily experiences of

³ <https://yougov.co.uk/news/2014/08/05/sympathy-palestinians-more-common-britain-france-a/>

⁴ <http://www.ipost.com/International/Southampton-University-defends-anti-Israel-conference-set-for-next-month-393546>

⁵ <http://www.bod.org.uk/board-meets-with-vice-chancellor-of-university-of-southampton-on-israel-delegitimisation-conference/>

Palestinians living under occupation in the West Bank. JHRW described it as an 'antisemitic checkpoint'⁶.

These examples are manifestations of a wider attempt to politically redefine antisemitism, and equate it with anti-Zionism, a process which was subject to a comprehensive review by a leading scholar on the subject, Dr Brian Klug⁷, in a seminal article as far back as 2004.⁸

The discredited EUMC definition

PSC is particularly concerned at recent evidence of attempts to revive the discredited European Monitoring Centre on Racism and Xenophobia (EUMC) working definition of antisemitism which explicitly incorporated criticism of Israel into its terms.⁹ The EU's Fundamental Rights Agency (FRA), the successor body to the EUMC, announced in 2013 that it is neither able nor authorised to define the term and the document outlining the 'working definition' was removed from its website¹⁰. Those supporting the usage of this definition commonly argue that criticism of Israel is acceptable but only within proscribed limits. The effect of this is to limit what one can meaningfully say in relation to Israel or, how one illustrates a concern about a policy. In effect, criticism must be muted. One particular manifestation of this argument is that one can criticise particular policies of the Israeli government but not the political doctrine of Zionism and how it informs those particular policies.

In an article in the Daily Telegraph on May 4th this year, the Chief Rabbi, Ephraim Mirvis, argued that anti-Zionism should straightforwardly be understood as antisemitism.¹¹ Adoption of any definition of antisemitism which reflected this thinking would, in the view of PSC, have serious implications for free speech and the right of protest.

As the Jewish Socialist Group have said:

"Antisemitism and anti-Zionism are not the same. Zionism is a political ideology which has always been contested within Jewish life since it emerged in 1897, and it

⁶ <http://thetab.com/uk/cambridge/2016/02/26/jewish-human-rights-group-70859>

⁷ Senior Research Fellow and Tutor in Philosophy at [St. Benet's Hall, Oxford](http://www.stbenet.org.uk/) and honorary fellow of the Parkes Institute for the Study of Jewish/non-Jewish Relations, University of Southampton,

⁸ <http://www.thenation.com/article/myth-new-anti-semitism/>

⁹ <https://antisemitism.uk/information/definition-of-antisemitism/>;

¹⁰ <http://www.independent.co.uk/voices/comment/the-eu-has-retired-its-working-definition-of-anti-semitism-its-about-time-8986565.html>

¹¹ <http://www.telegraph.co.uk/news/2016/05/03/ken-livingstone-and-the-hard-left-are-spreading-the-insidious-vi/>

is entirely legitimate for non-Jews as well as Jews to express opinions about it, whether positive or negative. Not all Jews are Zionists. Not all Zionists are Jews.”¹²

Many pro-Israel advocates follow the formulation used by Chief Rabbi Mirvis, where Zionism is defined as merely the right of the Jewish people to self-determination. PSC believes that this definition must be challenged. The central demand of the Zionist movement was to achieve self determination via the establishment of a Jewish state in Palestine. The foundation of Israel in 1948 to achieve this was accompanied by the forced expulsion of 750,000 Palestinians and the destruction of over 400 Palestinian villages and towns¹³. Since the establishment of Israel, Zionism has commonly been understood to mean the assertion of the right of this state to exist as a Jewish state, requiring the maintenance of a Jewish majority and privileging the rights of Jewish citizens above those of non-Jewish citizens, including the 20% of Israeli citizens who are Palestinian. More than 50 Israeli laws¹⁴ discriminate on the basis of religion, a process continued by the current Israeli government.

PSC views anti-Zionism as a means to oppose racist state policies and to stand against the privileging of the rights of one group of people over the rights of another.

Adoption of the discredited EUMC definition or any similar formulation would deny people their right to challenge the racism of the Israeli state - which privileges the rights of Jewish citizens above those of non-Jews. To conflate anti-Zionism, or more broadly legitimate criticism of Israeli government policies, with antisemitism also serves to undermine the struggle against racism. In the words of Dr Brian Klug “...when every anti-Zionist is an anti-Semite, we no longer know how to recognise the real thing –the concept of anti-Semitism loses its significance”.¹⁵

¹² <http://www.jewishsocialist.org.uk/news/item/statement-on-labours-problem-with-antisemitism-from-the-jewish-socialists-g>

¹³ <http://www.palestinecampaign.org/article-ben-white-nakba-1948-today/>

¹⁴ <http://www.adalah.org/en/law/index>

¹⁵ <http://www.thenation.com/article/myth-new-anti-semitism/>

Legal framework

When considering the conflation of antisemitism and anti-Zionism, it is useful to consider the legal judgment already established on this area:

Over a period of 20 days an Employment Tribunal, sitting at London Central in 2012 and 2013, heard the case of Mr R Fraser, who alleged “institutional anti-Semitism” by the University and College Union (UCU)¹⁶.

Fraser described himself as a modern Orthodox Jew and a Zionist with a strong attachment to Israel. He had been involved in correspondence with lawyers from 2005 indicating an intention to take action against the Union but despite this and subsequent letters threatening to take action he had not done so. He also received advice from Lord Lester of Herne Hill QC in June 2007.

The Tribunal dismissed the proceedings.

The Tribunal examined a wide range of cases which were deemed to be relevant. Amongst its conclusions was the statement that: “It seems to us that a belief in the Zionist project or an attachment to Israel or any similar sentiment cannot amount to a protected characteristic. It is not intrinsically a part of Jewishness and, even if it was, it could not be substituted for the pleaded characteristics, which are race and religion or belief.”

In essence, this was a clear statement that support for the Zionist project is not a “protected characteristic” of Jewishness and that therefore criticism of Zionism is not necessarily antisemitic.

PSC considers it important that the inquiry’s attention is brought to the significant concern over the evidence of Jeremy Newmark, then the Chief Executive of the Jewish Leadership Council - now chair of the Jewish Labour movement. Baroness Royall’s report¹⁷ recommended that training should be organised by Labour Students together with the Jewish Labour Movement for officers of all Labour Clubs in dealing with antisemitism. PSC would question whether or not they would be a fair provider of such training, particularly given the strong concerns expressed about the organisation’s chair’s evidence by the tribunal:

¹⁶ <https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Judgments/eemployment-trib-fraser-v-uni-college-union-judgment.pdf>

¹⁷ <http://press.labour.org.uk/post/144505485689/baroness-royall-inquiry>

The tribunal found:

“We regret to say that we have rejected as untrue the evidence of Ms Ashworth and Mr Newmark concerning the incident at the 2008 Congress...Evidence given to us about booing, jeering and harassing of Jewish speakers at Congress debates was also false, as truthful witnesses on the Claimant’s side accepted. One painfully ill-judged example of playing to the gallery was Mr Newmark’s preposterous claim, in answer to the suggestion in cross-examination that he had attempted to push his way into the 2008 meeting, that a ‘pushy Jew’ stereotype was being applied to him. The opinions of witnesses were not, of course, our concern and in most instances they were in any event unremarkable and certainly not unreasonable. One exception was a remark of Mr Newmark in the context of the academic boycott controversy in 2007 that the union was “no longer a fit arena for free speech”, a comment which we found not only extraordinarily arrogant but also disturbing”.

One of the concluding comments of the Tribunal (Para. 178) was that “Lessons should be learned from this sorry saga. We greatly regret that the case was ever brought. At heart, it represents an impermissible attempt to achieve a political end by litigious means. It would be very unfortunate if an exercise of this sort were ever repeated”.

The Tribunal took the view that it was legitimate to debate Zionism and the political actions of the government of Israel and that to do so was not necessarily antisemitic.

In the work of the PSC, criticisms that are made of the Israeli state and the actions of its government are made on the basis of internationally recognised humanitarian criteria such as those embodied in the UN Universal Declaration of Human Rights and the Geneva Conventions. PSC’s critique is focused on the actions of the Israeli state and its institutions, including its armed forces, and does not in any way attribute responsibility for these either to the citizens of Israel as a whole or to all its Jewish citizens. It is not antisemitic to apply internationally recognised criteria to criticise Israel any more than criticising the human rights record of a country in Asia or Africa might be deemed to be racist.

Misapplication of Macpherson principles

The UCU court case raised the issue of the misapplication and misinterpretation of the Macpherson inquiry. This is of deep concern because this misapplication appears to have been repeated in the Royall inquiry into allegations of antisemitism at Oxford University Labour Club¹⁸.

¹⁸ <http://press.labour.org.uk/post/144505485689/baroness-royall-inquiry>

As Professor David Feldman stated, in his report for the All Party Parliamentary Inquiry into Antisemitism, February 2015:

“It is sometimes suggested that when Jews perceive an utterance or action to be anti-Semitic that this is how it should be described. In the UK this claim looks for support to the 1999 Stephen Lawrence Inquiry, written by Lord Macpherson of Cluny. There, Macpherson wrote that ‘a racist incident’ is ‘any incident which is perceived to be racist by the victim or any other person.’ If we examine the context in which this quotation appears, it is unambiguously clear that Macpherson intended to propose that such racist incidents require investigation. He did not mean to imply that such incidents are necessarily racist. However, Macpherson’s report has been misinterpreted and misapplied in precisely this way. Its authority has been thrown behind the view that such incidents should, by definition be regarded as racist. In short, a definition of antisemitism which takes Jews’ feelings and perceptions as its starting point and which looks to the Macpherson report for authority is built on weak foundations.”¹⁹

To be applied properly the principle of Macpherson, so far as the subjective views of the individual are concerned, would only apply to the ‘protected characteristic’ – not to the individuals political opinions which would enable the individual to conflate almost any political disagreement with racism.

Boycott, Divestment and Sanctions

We support the Palestinian-led call for a Boycott, Divestment and Sanctions (BDS) campaign which uses effective, non-violent means to pressure Israel and the international community to end the occupation and ensure Palestinians have the rights we take for granted.

The Palestinian call for BDS states:

“We, representatives of Palestinian civil society, call upon international civil society organizations and people of conscience all over the world to impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era. We appeal to you to pressure your respective states to impose embargoes and sanctions against Israel. We also invite conscientious Israelis to support this Call, for the sake of justice and genuine peace.

¹⁹ <http://www.antisemitism.org.uk/wp-content/themes/PCAA/images/DAVID-FELDMAN-SUBREPORT.pdf>

These non-violent punitive measures should be maintained until Israel meets its obligation to recognize the Palestinian people's inalienable right to self-determination and fully complies with the precepts of international law by:

1. Ending its occupation and colonisation of all land occupied in June 1967 and dismantling the Wall
2. Recognising the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194²⁰.²¹

Boycott is a tool human rights defenders have used throughout history. It is a non-violent, global and traditional form of protest used to oppose oppression. It is not racist to refuse to buy, decline to invest in or stop supplying goods, arms or services to companies and institutions that are knowingly supporting breaches of human rights and international law.

PSC proudly seeks to continue in the tradition of civil and human rights activists before us, such as Mahatma Gandhi, Martin Luther King Jr, and Nelson Mandela.

PSC is wary of politicians who seek to tell citizens what they can or cannot boycott or who seek to limit freedom to campaign for equality and justice. It is the job of government to uphold international law, and it is because the UK government has failed to take any effective action against Israel's violations of Palestinian human rights that there is increasing support for the Palestine solidarity and the boycott movement.

The Dutch, Swedish and Irish Governments have all asserted that boycott, divestment and sanctions is protected by freedom of speech²².

More than 300 human rights and aid organisations, church groups, trade unions and political parties from across Europe have called on the EU to defend the right of individuals and institutions to take part in the Palestinian-led Boycott, Divestment and Sanctions (BDS) movement.

PSC will continue to hold politicians to account on the vital issues of peace and justice in the Middle East. PSC calls for the implementation of the rights of Palestinians and defends its right to make this call.

²⁰ <http://www.unrwa.org/content/resolution-194>

²¹ <https://bdsmovement.net/call>

²² <https://bdsmovement.net/2016/irish-dutch-join-sweden-right-to-boycott-14143>

PSC is part of a growing global movement in support of Palestine, proudly refusing to do business with Israel's occupation, colonisation, and discrimination. PSC's focus is on peace in the Middle East. Without justice for the Palestinians, peace will remain elusive.

It is sometimes asked why there is a focus on Israel for BDS, and not on other states who are also violating international law and people's rights. There are a number of legitimate reasons for this focus:

1. Palestinians have asked the world to focus on Israel. In 2005 Palestinian civic society called for citizens around the world to support their call for BDS. If any oppressed, occupied people ask us for their support, we should listen.
2. The UK Government takes action against many states²³ when it disagrees with their actions, most notably and recently, Russia, over its actions in the Ukraine.

However, the UK government is not only ineffective in opposing Israel's human rights abuses, it is complicit in these breaches, for example by allowing financial links between Israel's illegal settlements and British public bodies and businesses. By attempting to block and attacking the rights of British people to support Palestinians' peaceful call for BDS, the government is assisting Israel in its crimes.

3. Far from taking action against Israel's violations, the EU provides Israel with arguably closer relations and stronger economic and trade benefits than any other non-EU nation.

This is despite the daily infringements of human rights, which directly counter the EU's agreement with Israel.²⁴ This is one of the major reasons why many UK and EU citizens are so concerned with this injustice – they feel it is ignored by their own governments and therefore requires concerted action by citizens.

The PSC is a campaign united around the fundamental issue of supporting the struggle of the Palestinian people for justice and self-determination. So long as the Israel Government denies Palestinians those rights PSC will continue to campaign.

²³ <https://www.gov.uk/government/collections/financial-sanctions-regime-specific-consolidated-lists-and-releases>

²⁴ http://eeas.europa.eu/delegations/israel/eu_israel/political_relations/index_en.htm

PSC is not a political party that attempts to provide answers on all international political questions. Individual members of the PSC take part in probably every significant international campaign. For example, many members, outside of the framework of PSC activity, will currently be supporting the imposition of an embargo upon Saudi Arabia for that regime's role in Bahrain and Yemen. Clearly it is factually incorrect to suggest such members have a sole focus on Israel. The PSC could not operate as a campaign if it sought to challenge every repressive regime in the world. To demonise it for concentrating on government relations with the Israeli state is actually to demonise it for taking up the case of the stateless Palestinian people.

Racism in Israel and the occupied Palestinian territory

From its inception, PSC has made a clear distinction between antisemitism and anti-Zionism. The critique which has been made of the state of Israel, its governments, the judiciary, the army and the state institutions have been made on the basis of criteria which are universally applied in assessing the character of any state worldwide.

The criticisms which have been made have been on the basis of objective criteria and the evidence used has been drawn either from statements and publications issued by the Israeli government itself or on the basis of evidence from internationally recognised, reputable bodies such as the United Nations Office for the Coordination of Humanitarian Affairs. Whilst it is claimed that the intention of arguments used by bodies like PSC are intended to “delegitimise” Israel, the reality is that it is their veracity which challenges the claim that Israel is a democratic state for all its citizens. Any “deligitimisation” of Israel is as a consequence of the exposure of the actuality of the discriminatory nature of the legislation under which the Palestinians within Israel live. More than 50 laws have been identified which directly discriminate against the Palestinian minority which lives in Israel.²⁵

Even in terms of the nomenclature used by the state of Israel, evidence is present of the essentially discriminatory character of the state. Palestinians are referred to as Israeli Arabs even though many wish to be referred to as Palestinians. This refusal to acknowledge the existence of a national group within the territory of Israel is a fundamental denial of the personal and collective rights of the Palestinians to be identified as a national group. This denial is reflected in areas such as education where the curriculum fails to acknowledge the national identity of Palestinian children in violation of Article 8 of the United Nations Convention on the Rights of the Child which says that “States Parties undertake to respect the right of the child to preserve

²⁵ See Adalah (<http://www.adalah.org/en/law/index>) Accessed 24/05/2016. See also the Mossawa Center Report

his or her identity, including nationality, name and family relations as recognised by the law without unlawful interference”. The second part of Article 8 lays a clear obligation on the State to provide “appropriate assistance and protection” to the child to establish “speedily his or her identity”. The practice of the Israeli state is in contravention of numerous Articles of the Convention and in particular in this context Article 29 and 30 which confer rights on children to develop their identity even when they belong to a minority within a state.

As to Israel’s regime which is applied to Palestinians and Israeli settlers in the West Bank as Professor Noam Chomsky has said:

“In the Occupied Territories, what Israel is doing is much worse than apartheid. To call it apartheid is a gift to Israel, at least if by ‘apartheid’ you mean South African-style apartheid.²⁶”

Conclusion

Thank you for the opportunity to respond to the inquiry.

Doubtless you will receive a wide variety of views on antisemitism, racism, and how this impacts on the debate about human rights and justice for Palestinians.

Whilst you or the Labour Party may not agree with all of the views in this submission on Israel, BDS or the issue of Palestinian rights that does not make these views racist. It would be a grave infringement of democratic freedoms and also undermine Palestinian calls for self determination and equality to prescribe as unacceptable criticisms of Israeli actions, of the nature of the Israeli state due to concerns about antisemitism.

Here is a reminder of PSC’s overall recommendations to the inquiry:

- a. If the inquiry finds it necessary to define antisemitism, to adopt the approach that antisemitism is hatred of or discrimination against Jewish people on the basis of their religion or identity;
- b. Neither treat criticism of Israel’s policies and actions nor criticism of Zionism - a political ideology - as antisemitic;
- c. Ensure that charges of racism (including antisemitism and Islamophobia) and discrimination are judged by objective criteria whilst taking into account the perceptions of the victim;
- d. Oppose the attempt to portray the Palestinian call for boycott, divestment and sanctions as fuelling antisemitism.

²⁶ <http://www.mintpressnews.com/noam-chomsky-israeli-apartheid-much-worse-than-south-africa/208936/>